

APO Rec'd PCT/PTO 16 DEC 2003

Patent  
Attorney's Docket No. 704785-2001**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
Robert JORDAN et al.	)	Group Art Unit: Unassigned
Application No.: New National Phase App.	)	Examiner: Unassigned
based on PCT/US2004/019552	)	Confirmation No.: Unassigned
Filed: December 16, 2005	)	
For: COMPOUNDS, COMPOSITIONS,	)	
AND METHODS FOR TREATMENT	)	
AND PREVENTION OF	)	
ORTHOPOXVIRUS INFECTIONS	)	
AND ASSOCIATED DISEASES	)	

**FIRST INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application.

**I. Timing of the Information Disclosure Statement:**

This Information Disclosure Statement is filed:

- ☒ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.
- ☐ Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-2518 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).
- ☐ After a first Office Action on the merits but prior to the closing of prosecution, therefore under 37 C.F.R. § 1.97(c), the fee set forth in 37 C.F.R. § 1.17(p) is enclosed. This fee (\$180) should be charged to the undersigned's Deposit Account No. 50-2518.

## II. Copies of the Cited Items:

- ☒ Copies of the US documents are not enclosed.
- ☐ Copies of only the following items listed on the attached Form PTO-1449 are enclosed: \_\_\_\_\_.
- ☐ Copies of items listed on the attached Form PTO-1499 are not supplied because they were previously cited by or submitted to the Patent Office in prior Application No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon in this application for an earlier filing date under 35 U.S.C § 120.  
*See 37 C.F.R. § 1.98(d).*
- ☐ Copies of those items which are marked with an asterisk (\*\*) in the attached Form PTO-1499 were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.

## III. Conclusion:

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

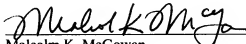
It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks.

The Commissioner is hereby authorized to charge Deposit Account No. 50-2518 for any additional fees required in connection with the filing of this Information Disclosure Statement.

Respectfully submitted,

BINGHAM MCCUTCHEN, L.L.P.

Date: December 16, 2005

By:   
Malcolm K. McGowan  
Registration No. 39,300

Bingham McCutchen LLP  
Three Embarcadero Center  
San Francisco, California 94111-4067  
Local Telephone: (202) 778-6150  
Local Facsimile: (202) 778-6155

